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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/009,888	05/29/2002	Edward E Williams	194-15537-WO-US	5542

7590 04/01/2004

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EXAMINER
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CECIL, TERRY K

ART UNIT	PAPER NUMBER
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1723

DATE MAILED: 04/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action**

Application No.

10/009,888

Applicant(s)

WILLIAMS, EDWARD E

Examiner

Mr. Terry K. Cecil

Art Unit

1723

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

THE REPLY FILED 15 March 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

**PERIOD FOR REPLY [check either a) or b)]**

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on \_\_\_\_\_. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☒ The proposed amendment(s) will not be entered because:
- (a) ☒ they raise new issues that would require further consideration and/or search (see NOTE below);
  - (b) ☐ they raise the issue of new matter (see Note below);
  - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
  - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Continuation Sheet.

3. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_.
4. ☐ Newly proposed or amended claim(s) \_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☐ The a) ☐ affidavit, b) ☐ exhibit, or c) ☐ request for reconsideration has been considered but does NOT place the application in condition for allowance because: \_\_\_\_.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☒ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: \_\_\_\_.

Claim(s) objected to: \_\_\_\_.

Claim(s) rejected: 1-12.

Claim(s) withdrawn from consideration: 13-25.

8. ☐ The drawing correction filed on \_\_\_\_ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_.
10. ☒ Other: See Continuation Sheet

Mr. Terry K. Cecil  
Primary Examiner  
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Continuation of 2. NOTE: Applicant's newly added limitation requiring that the control device is "set to maintain" a lesser regulated flow...is different in interpretation than the previous language "is configured to provide" and necessarily requires further consideration and search.

Continuation of 10. Other: A separate sheet in reply to applicant's arguments is also attached as well as an English translation of the JP '090..

## ATTACHMENT TO THE ADVISORY ACTION

### *Response to Arguments*

1. Applicant's arguments filed 3-15-2004 have been fully considered but they are not persuasive because of the following reasons:


- Applicant argues (page 15) that the amendment should be entered because it was filed in response to a new basis of rejection regarding the interpretation of claim language. It is however, pointed out that the interpretation (e.g. of "is configured to provide") was presented in response to applicant's amendment, such that a final rejection was proper.
- Applicant argues (page 9) that Schuk does not inherently teach that the flow control device is configured to provide a lesser regulated flow of disinfectant through each injection device than a regulated flow of disinfectant through a upstream injection device. However, the examiner points out that, as disclosed in col. 5, lines 47-65, whenever the amount of predosed-chlorine necessary to achieve the manually-selected pH level (of lines 51-53) exceeds the amount of additional chlorine necessary to achieve breakpoint chlorination, then the downstream amount added would be less of the amount added at the upstream injection point. The examiner contends that the apparatus of Schuk does has the *structurally capability* to act as claimed and meets the limitation of "configured to provide" (inherently shown by equation 11). *Applicant's limitation of "is set to maintain" is newly presented after final and has not been considered.*
- Applicant argues (page 10) that Schuk does not teach the claimed passageway. However, the examiner points out that the passageway of Schuk is the flow passageway that extends from the influent line through the reactor and to the effluent line (col. 8, lines 5-6) and that Schuk

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teaches the passageway to the same specificity as claimed in e.g. claim 1. The passageway was of JP '090 is similarly taught and refutes applicants arguments of page 12. Also concerning JP '090, it is the examiners position that it is obvious for computational control mechanism 14 to be configured to provide the claimed injection based upon the characteristics of the inflow. The English translation now available and attached hereto further supports the obviousness rejection.

2. Contact Information:

- Examiner Mr. Terry K. Cecil can be reached at (571) 272-1138 at the Carlisle campus in Alexandria, Virginia for any inquiries concerning this communication or earlier communications from the examiner. Note that the examiner is on the increased flextime schedule but can normally be found in the office during the hours of 8:30a to 4:30p, on at least four days during the week M-F.
- Wanda Walker, the examiner's supervisor, can be reached at (571) 272-1151 if attempts to reach the examiner are unsuccessful.
- The Fax number for this art unit for official faxes is 703-872-9306.
- Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Mr. Terry K. Cecil  
Primary Examiner  
Art Unit 1723

TKC  
March 25, 2004